

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

# A Bill

HOUSE BILL 2836

4  
5 By: Representative Mahony  
6  
7

## For An Act To Be Entitled

8  
9 THE EMERGENCY CONTRACEPTION FOR SEXUAL ASSAULT  
10 SURVIVORS ACT.  
11

## Subtitle

12  
13 THE EMERGENCY CONTRACEPTION FOR SEXUAL  
14 ASSAULT SURVIVORS ACT.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 SECTION 1. Arkansas Code Title 20, Chapter 36, is amended to add an  
20 additional subchapter to read as follows:

21 20-36-101. Title

22 This subchapter shall be known and may be cited as the "Emergency  
23 Contraception for Sexual Assault Survivors Act".  
24

25 20-36-102. Findings.

26 The General Assembly finds:

27 (1) One (1) out of every five (5) women in the United States has been  
28 raped;

29 (2) Each year, over three hundred thousand (300,000) women are raped  
30 in the United States;

31 (3) After a woman is raped, she may face the additional trauma of an  
32 unwanted pregnancy by the rapist;

33 (4) Each year, over thirty-two thousand (32,000) women become pregnant  
34 as a result of rape and approximately fifty percent (50%) of these  
35 pregnancies end in abortion;

36 (5) United States Food and Drug Administration approved emergency



1 contraception prevents pregnancy after unprotected intercourse;

2 (6) Emergency contraception cannot and does not cause abortion;

3 (7) Emergency contraceptive pills, which are special doses of ordinary  
 4 birth control pills, reduce the risk of pregnancy following unprotected  
 5 intercourse by between seventy-five percent (75%) and eighty-nine percent  
 6 (89%);

7 (8) Delaying the first dose of emergency contraceptive pills beyond  
 8 twelve (12) hours increases the odds of pregnancy by almost fifty percent  
 9 (50%);

10 (9) Standards of emergency care established by the American Medical  
 11 Association require that sexual assault survivors be counseled about their  
 12 risk of pregnancy and offered emergency contraception;

13 (10) A study found that nearly one (1) in three (3) hospitals fail to  
 14 offer emergency contraception to rape survivors;

15 (11) An additional twenty-three percent (23%) of hospitals have no  
 16 clear policy on the issue; and

17 (12) Only eleven percent (11%) of women have heard of emergency  
 18 contraception, are aware of its availability, and know that treatment must be  
 19 initiated within seventy-two (72) hours.

20  
 21 20-36-103. Definitions.

22 For purposes of this subchapter:

23 (1) "Emergency care to sexual assault survivors" means medical  
 24 examinations, procedures, and services provided by a healthcare facility to a  
 25 sexual assault survivor following an alleged rape;

26 (2) "Emergency contraception" means any drug or device approved by the  
 27 United States Food and Drug Administration that prevents pregnancy after  
 28 sexual intercourse;

29 (3) "Healthcare facility" means a hospital, emergency care facility,  
 30 health clinic, or other healthcare center;

31 (4) "Rape" means sexual intercourse or deviate sexual activity with a  
 32 female:

33 (A) By forcible compulsion; or

34 (B) Who is incapable of consent because she is physically  
 35 helpless, mentally defective, or mentally incapacitated; or

36 (C) Who is less than fourteen (14) years of age; and

1       (5) "Sexual assault survivor" means a female who alleges or is alleged  
2 to have been raped.

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4       20-36-104. Emergency care to sexual assault survivors.

5       It shall be the standard of care for healthcare facilities that provide  
6 emergency care to sexual assault survivors to:

7       (1) Provide each sexual assault survivor with medically and factually  
8 accurate and unbiased written and oral information about emergency  
9 contraception;

10       (2) Orally inform each sexual assault survivor of her option to be  
11 provided emergency contraception at the healthcare facility;

12       (3)(A) Provide emergency contraception immediately at the healthcare  
13 facility to each sexual assault survivor who requests it.

14       (B) If the emergency contraception is in the form of pills, the  
15 provision of emergency contraception shall include the initial dose that the  
16 sexual assault survivor may take at the hospital, as well as the follow-up  
17 dose that the sexual assault survivor can self-administer later.

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19       20-36-105. Training.

20       Each healthcare facility shall ensure that each person who provides  
21 care to sexual assault survivors is provided with medically and factually  
22 accurate and unbiased information about emergency contraception.

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24       20-36-106. Enforcement.

25       (a) In addition to any remedies at common law, the Department of  
26 Health shall respond to complaints and shall periodically determine whether  
27 healthcare facilities are complying with this section.

28       (b) The department may use all tools available to verify compliance  
29 with this section.

30       (c) If the department determines that a healthcare facility is not in  
31 compliance, the department shall:

32       (1) Impose a fine of five thousand dollars (\$5,000) per sexual  
33 assault survivor who is:

34       (A) Denied medically and factually accurate and unbiased  
35 information about emergency contraception; or

36       (B) Not offered or provided emergency contraception;

1           (2)(A) Impose a fine of five thousand dollars (\$5,000) for  
2 failure to comply with this subchapter.

3           (B) For each thirty-day period that the healthcare  
4 facility continues in noncompliance with this subchapter, an additional fine  
5 of five thousand dollars (\$5,000) shall be imposed; and

6           (3) After two (2) violations, suspend or revoke the license or  
7 deny the healthcare facility's application for a license.

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